

TO: Chairman Phil Pavlov and members of the Senate Education Committee

FROM: Nick Ciaramitaro, Director
Legislation and Public Policy
Michigan AFSCME Council 25 and MSEA

RE: SB 280

DATE: June 9, 2015

Thank you Mr. Chairman and members of the Senate Education Committee for the opportunity to comment on Senate Bill 280 at your committee meeting this morning and for letting me expand upon my comments in writing. My name is Nick Ciaramitaro and I am Director of Legislation and Public Policy for the Michigan Council of the American Federation of State County and Municipal Employees as well as the Michigan State Employees Association (AFSCME Local 5).

Michigan AFSCME represents people who work at all levels of state and local government including non-instructional school personnel at the k-12, community college and university level. But we note that this bill does not apply exclusively to school employees but purports to apply to all public employees creating significant problems particularly in those jobs that involve services that need to be provided 24 hours per day, 7 days a week.

We oppose the bill and offer the following observations:

Political activity

Some proponents have suggested that this bill is needed to prevent “paid leave” for political activity. The bill is unnecessary. Michigan law already prohibits the use of taxpayer resources in political campaigns. Possible violations are documented, investigated and punished under Michigan’s Campaign Finance Act. There are no provisions in any union contract that provides for employer paid leave for such activities.

Lobby activity

While I do not know of any contracts that provide for employer paid leave for lobbying activity, I am aware of many occasions where legislators seek (or should seek) information concerning the impact of proposed legislation in “the real world”. Reaching out to public employees – union and non-union, management and workers – as to that impact is something legislators have done for decades. It is a wise approach as the impact on your constituents is something you need to know before proceeding. I am not sure why you want to deprive yourself of that information.

If you are trying to prevent taxpayers’ costs for rallies or lobby days, I can assure that those participating in those activities are either on personal leave time or union paid leave time.

Union activity

But the bill references all “union activity”. It is here that the most harm would be done to taxpayers. The prompt settlement of employee complaints (or grievances) can avoid many problems down the way. If a few minutes of a union steward’s time can settle a dispute quickly it does not have a chance to fester, grow out of proportion or interfere with productivity. Further, left unchecked, those grievances

can grow into costly arbitrations (most union contracts allow for arbitration as the final step in processing grievances) – a cost divided between the employer and the union and therefore costly to both. The equal division of arbitration costs is designed to prevent undue influence by either party on the arbitrator or panel of arbitrators. The alleged savings in this bill is a classic example of “penny wise and pound foolish.”

Collective bargaining held on members’ own time would force contract negotiations to evenings or weekends meaning added costs to the employer and therefore the taxpayer. In 24/7 positions such as jails, hospitals and nursing homes, creating a representative cross section of workers to serve on bargaining teams would be difficult if not impossible because, by definition, employees are working literally around the clock seven days a week. Should the night shift be under represented on the bargaining team or should we short the afternoon shift? The fact that not all shifts are created equal. Pay is different. Life styles are different and needs are different.

Labor management “special meetings” often deal with mutual concerns for both managers and workers. In these meetings – which would be difficult or costly to the employer to hold after hours and for which employees would find it burdensome to give up needed hours of pay or for unions to provide union paid leave time – needed input from people actually performing the work of the municipality is obtained. Taxpayers benefit from improved efficiency, improved health and safety practices (saving health care costs long term and avoiding worker comp claims), and efficiencies. It is at these meetings that employee concessions and employee suggestions for efficiencies have been dealt with saving untold taxpayer dollars. Here health and safety matters can be addressed, and usually resolved, before someone gets hurt. Here cost issues are often creatively resolved to the benefit of taxpayers and workers alike.

I want to address here one of the more serious waste of taxpayer dollars issues which occurred to me as I listened to Sen. Colbeck’s analogy to his experience in the private sector as a consultant. He indicated that he could not pass through labor dispute costs to his clients, though I assume he, as a good business man, anticipated these costs in setting his hourly rate in advance. Whether he “docked” his employees while working with them to resolve any differences or not, he probably added work hours for himself to complete the task. But an increasing number of public employers are paying their human resource department to conclude contracts and resolve employee disputes – and I don’t challenge that need -- but they then, at taxpayer expense, have been contracting with third party companies and individuals to negotiate contracts. That is the real “double dipping” issue and means employees have to seek additional professional help (at the union’s expense) to counter these extreme techniques.

Michigan AFSCME locals are varied and diverse in nature. Locals are made up of secretaries, custodians, bus drivers, road workers, jail employees, county workers, state employees, city workers, water safety specialists, engineers, constructions workers, mental health professionals, lawyers, audio visual professionals, private sector employees, hospital workers and so many other professions I can’t list them all here. Some local unions consist of a small number of workers and rarely seek release time, paid or unpaid. Others have members in 4 figures and require virtually continuous effort to maintain labor/management relationships. One size simply does not fit all. That is why this issue should remain with the local. Finally, I must correct the assumption that a “union” is a third party business. Our union is made up of its members – not union employees. All local officers, stewards and bargaining teams are chosen by the membership of that local directly.

Any good manager – public or private – knows that healthy and cooperative labor relations are in the best interest of management, labor and those we serve. This legislature should seek ways to encourage such cooperation rather than impede it.

Thank you for your consideration.